

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LISA ANN ACIERNO,

Plaintiff,

v.

Case No. 8:22-cv-02961-KKM-MCR

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On August 17, 2023, the United States Magistrate Judge entered a Report and Recommendation, recommending that Plaintiff Lisa Ann Acierno's Unopposed Motion for an Award of Attorney's Fees and Costs under the Equal Access to Justice Act (Doc. 17) be granted. The fourteen-day deadline to object to the Magistrate Judge's Report and Recommendation has passed without either party lodging an objection. Considering the record, the Court adopts the Report and Recommendation for the reasons stated therein and grants Acierno's motion.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection

to a finding of fact by a magistrate judge, the district court must conduct a de novo review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019) (Steele, J.).

In the absence of any objection and after reviewing the factual allegations and legal conclusions, the Court adopts the Report and Recommendation. Acierno's motion is unopposed, and her request for \$6,712.92 in fees and \$402.00 in costs is reasonable under the circumstances.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 18) is **ADOPTED** and made a part of this Order for all purposes.
2. Acierno's Unopposed Motion for an Award of Attorney's Fees and Costs under the Equal Access to Justice Act (Doc. 17) is **GRANTED**.
3. The Clerk is directed to enter judgment in favor of Acierno and against the Commissioner in the amount of \$6,712.92 for attorney's fees and \$402.00 for costs.

4. The Commissioner is directed to determine whether Acierno owes a debt to the United States. If the United States Department of the Treasury determines that Acierno does not owe such a debt, the Commissioner is directed to accept Acierno's assignment of Equal Access to Justice Act fees and pay the fees directly to Acierno's counsel.

ORDERED in Tampa, Florida, on August 21, 2023.


Kathryn Kimball Mizelle
United States District Judge